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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/923,894	08/07/2001	Tracey L. Caveness	82947	2242

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EXAMINER

PICKETT, JOHN G

ART UNIT

PAPER NUMBER

3728

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/923,894

Applicant(s)

CAVENESS, TRACEY L. ED

Examiner

Gregory Pickett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,7-9,14-16,21 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,7-9,14-16,21 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action acknowledges the applicant's Amendment submitted 3 January 2005. Claims 1, 2, 7-9, 14-16, 21, and 22 are pending in the application. Claims 3-6, 10-13, 17-20, and 23 have been canceled.

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, 7, 15, 16, 21, and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salfisberg (US 2,565,887) in view of Miller (US 6,209,724) and Montepiani et al (US 6,260,705).

Regarding claim 1, Salfisberg discloses a compact packaged towel with one towel **1**, a first sheet **3**, and a second sheet **4**; each of the sheets being gas impermeable material (Col. 2, lines 25-33) and sealed along the entire perimeter (Figure 1) defining one compartment. Salfisberg suggests minimum space requirements (Col. 1, lines 28-34). Salfisberg discloses opening assistants **7** in the form of notches.

Salfisberg lacks, or does not expressly disclose, substantially all of the air removed from the compartment or at least one perforation.

Miller discloses a pouched product that is vacuum-sealed to reduce the space requirements of the pouch (Abstract, and Col. 3, lines 36-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to vacuum-

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seal the packaged towel of Salfisberg as taught by Miller in order to reduce the overall size of the package, as suggested by Salfisberg.

As to the perforations, Montepiani et al discloses that it was known in the art to apply perforations to a package to assist in opening (Col. 1, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Salfisberg-Miller with a perforation as taught by Montepiani et al in order to assist in the opening of the package.

As to claim 2, towel 1 of Salfisberg is folded (Figure 4).

As to claim 7, towel 1 of Salfisberg is moistened (Col. 2, lines 19-22).

Regarding claim 15, Salfisberg discloses a compact packaged towel with one towel 1, a first sheet 3, and a second sheet 4; each of the sheets being gas impermeable material (Col. 2, lines 25-33) and sealed along the entire perimeter (Figure 1) defining one compartment. Salfisberg suggests minimum space requirements (Col. 1, lines 28-34). Salfisberg discloses opening assistants 7 in the form of notches.

Salfisberg lacks, or does not expressly disclose, vacuum-sealing of the compartment or a pull string.

Miller discloses a pouched product that is vacuum-sealed to reduce the space requirements of the pouch (Abstract, and Col. 3, lines 36-41). It would have been obvious to one of ordinary skill in the art at the time the invention was made to vacuum-seal the packaged towel of Salfisberg as taught by Miller in order to reduce the overall size of the package, as suggested by Salfisberg.

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As to the pull string, Montepiani et al discloses that it was known in the art to apply pull strings to a package to assist in opening (Col. 1, lines 27-36). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the packaged towel of Salfisberg-Miller with a pull string as taught by Montepiani et al in order to assist in the opening of the package.

As to claim 16, towel 1 of Salfisberg is folded (Figure 4).

Regarding claims 21 and 22, Salfisberg-Miller-Montepiani, as applied to claims 1 and 15 above, discloses the claimed method by presentation.

4. Claims 8, 9, and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Salfisberg-Miller-Montepiani as applied to claims 1, 2, and 7 above, and further in view of Caggiano (US 4,861,632).

Salfisberg-Miller-Montepiani discloses the claimed invention except that Salfisberg-Miller-Montepiani uses two sheets sealed at their perimeters instead of one sheet folded upon itself. Caggiano shows that one sheet folded upon itself was an equivalent structure to two sheets (Col. 5, lines 19-29), known in the packaging art at the time the invention was made. Therefore, because these two forming means were art-recognized equivalents at the time the invention was made, one of ordinary skill in the art would have found it obvious to substitute the one sheet method for the two sheets of Salfisberg-Miller-Montepiani.

Response to Arguments

5. Applicant's arguments with respect to claims 1, 2, 7-9, 14-16, 21, and 22 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory Pickett whose telephone number is 571-272-4560. The examiner can normally be reached on Mon-Fri, 11:30 AM - 8:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on 571-272-4562. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Greg Pickett
Examiner
11 March 2005


Mickey Yu
Supervisory Patent Examiner
Group 3700